Page 1

DISTRICT OF COLUMBIA

+ + + + +

ALCOHOLIC BEVERAGE CONTROL BOARD

+ + + + + MEETING

IN THE MATTER OF:

Cham Restaurant Group,

t/a New Town Kitchen : Protest and Lounge Hearing 1336 U Street NW (Status)

Retailer CT License No. 93095 Renewal Replacard Case No. 14-PRO-00055

SEPTEMBER 17, 2014

The Alcoholic Beverage Control Board met in the Alcoholic Beverage Control Hearing Room, Reeves Building, 2000 14th Street N.W., Washington, D.C., Chairperson Ruthanne Miller, presiding.

PRESENT:

RUTHANNE MILLER, Chairperson NICK ALBERTI, Member DONALD BROOKS, Member HECTOR RODRIGUEZ, Member

ALSO PRESENT:

ZAHRA JILANI, ANC 1B WILLIAM ISASI, Protest Group Rep ELWYN FERRIS, SDCA JOAN STERLING, SDCA

Commissioner ANC 1B 12 representing ANC 1B.

CHAIR MILLER:

give me your name again?

MS. JILANI: And Zahra Jilani,

MS. JILANI: Yes, Zahra Jilani.

18

19

20

21

22

Okay. Could you

	Page 3
1	CHAIR MILLER: Zahra Jilani, okay.
2	With ANC 1B?
3	MS. JILANI: Yes.
4	CHAIR MILLER: And you're the
5	designated representative?
6	MS. JILANI: Yes.
7	CHAIR MILLER: Okay. All right.
8	Yep.
9	MR. ISASI: Hi, William Isasi.
10	The last name is spelled I-S-A-S-I. I'm the
11	designated representative of the protest
12	group.
13	CHAIR MILLER: Okay.
14	MR. FERRIS: Elwyn Ferris, E-L-W-
15	Y-N F-E-R-R-I-S on behalf of SDCA.
16	CHAIR MILLER: Okay good.
17	MS. STERLING: Joan Sterling, S-T-
18	E-R-L-I-N-G of SDCA.
19	CHAIR MILLER: Okay. All right.
20	So it looks like all the parties are here in
21	this case. Are there any issues that you want
22	to bring to our attention?

1	MS. STERLING: Yes. We would like
2	to make a procedural motion where the
3	residents request that the applicant's license
4	be revoked or suspended immediately, because
5	the ABC Board has already made a final
6	decision with Board Order 2014 issued on May
7	1, 2014, ordering dismissal of the
8	application. The applicant has therefore been
9	operating without a valid license since May 1
LO	technically. As it is, it's fine.
L1	CHAIR MILLER: Okay. So but
L2	that's not related to the Protest Hearing for
L3	renewal, right? It's just related to this -
L4	MR. ISASI: It's the license that
L5	the protest is associated with.
L6	CHAIR MILLER: Okay. You
L7	understand that, and my records show that the
L8	licensee filed a second renewal application
L9	with the board on May 19? Are you aware of
20	that? Okay.
21	MS. STERLING: A serving order.
22	CHAIR MILLER: Okay.

	Page 5
1	MS. STERLING: So the license has
2	not been renewed, correct?
3	CHAIR MILLER: Okay, okay. So I
4	just, I don't want really get into that right
5	now, but do you want to respond? I mean I
6	don't want to get into the legal status of
7	that right now. That's your motion, I believe
8	so. Is there anything you want to say on the
9	record? Because what I'm tending to do is,
LO	what I would say is if you want to file a
L1	motion, you need to file in writing. We're
L2	not gonna just, we can't respond here at this
L3	Status Hearing. But if there's anything else
L 4	you want to put on the record in response to
L5	that sir, you can do that.
L6	MR. CHAM: I have a valid license.
L7	CHAIR MILLER: Okay.
L8	MR. CHAM: I've been operating for
L9	almost a year and half, so that's something
20	new to me.
21	CHAIR MILLER: Okay. All right.
22	MR. ISASI: If we just ask one

22

	Page 6
1	quick question. In terms of filing it, is
2	there a particular procedure we should follow
3	or -
4	CHAIR MILLER: To file a motion?
5	You've never filed a motion with us? Okay.
6	We do have in our regulations procedures for
7	filing motions. But in general, you would
8	file a motion addressed to the board and you
9	serve it on the, all the parties and if it's
LO	related to this case you serve it on the
L1	parties in this case and then they will have
L2	an opportunity to respond within the timeframe
L3	laid out in the regulations and, but check our
L 4	regulations for service. You know, you say
L5	that, you certify that you've served the
L6	opposing party.
L7	MEMBER ALBERTI: Ms. Miller, I'd -
L8	-
L9	CHAIR MILLER: Yeah?
20	MEMBER ALBERTI: like to just
21	add that our general counsel, Martha Jenkins

has always helped, is always willing to answer

22

	Page
1	questions on matters such as that. So I would
2	suggest that you contact her.
3	CHAIR MILLER: Right. Thank you
4	very much. Feel free to call her. And our
5	rates are online as well, okay. Okay,
6	anything else?
7	MR. ISASI: I just wanted to let
8	the board know that we did meet for a
9	mediation. It was unsuccessful and since this
10	has begun, this began back in January with the
11	original renewal application that ended up
12	being dismissed by the board in -
13	CHAIR MILLER: Right.
14	MR. ISASI: May, I believe and
15	then the renewal was filed again. Since then
16	there's been a continual findings of
17	violations by ABRA and by the Noise Taskforce.
18	Most recently there was one that found in late
19	August and so the residents are just living

Okay.

day in and day out with constant noise

CHAIR MILLER:

violations being found.

20

21

22

And we can't

1	really go into that here though at this
2	hearing. Okay, all right. So we're really,
3	at this point then I'm going to let you know
4	the parameters basically as I did before. If
5	you got a protest to a protest hearing, which
6	looks like you may, and you don't settle, be
7	sure to watch in your mail for these important
8	forms that kind of govern the parameters of
9	the hearing. It's a Protest Information Form
10	you look at. It's often called a PIF and you
11	need to fill that out. It asks for who your
12	witnesses are going to be and you need to be
13	specific with names, not just like neighbors
14	or residents, you have to say who it is and
15	what your issues are because by the time you
16	get to the hearing the issues may have
17	narrowed and you want the board and everyone
18	to focus on those issues and not be thinking
19	of any possible issue related to protest.
20	You'll also get an exhibit form and we want
21	you to identify all the exhibits you want to
22	get into the record and we want you to provide

1	copies of those exhibits to opposing counsel,
2	and our parties, and to the board seven days
3	in advance of the hearing. Watch your
4	deadlines. You're required to complete the
5	Protest Information Form and the exhibit form
6	seven days before the date of the hearing.
7	Your protest or your application could be
8	dismissed if you fail to submit that PIF. And
9	with respect to the exhibits, they might not
10	be admitted into evidence if we don't find
11	good cause for your not filing them on time or
12	if we find that the opposing party has been
13	prejudiced by not getting the exhibits in
14	time. Anyway, these forms are very important.
15	They actually make for a very focused and
16	efficient hearing when parties adhere to these
17	rules. Yeah?
18	MS. JILANI: And just to be clear
19	each protesting party needs to fill out both
20	a PIF and an evidence form?
21	CHAIR MILLER: Yes. If you are
22	gonna combine or whatever you can even just

for Janea Raines, she's an attorney in that

office as well.

20

21

ı	
	Page 11
1	spell her last name?
2	CHAIR MILLER: Raines, I think
3	it's R-A-I-N-E - how do -
4	MEMBER ALBERTI: R-A-I-N-E-S.
5	CHAIR MILLER: Thank you.
6	MEMBER ALBERTI: Uh-huh.
7	MR. ISASI: Thank you.
8	CHAIR MILLER: And your hearing
9	date -
10	MEMBER ALBERTI: Pardon?
11	MS. STERLING: And it's Janea, you
12	said?
13	MEMBER ALBERTI: Janea, J-N-E-A.
14	MS. STERLING: Thank you.
15	MEMBER ALBERTI: J-A-N-E-A, I'm
16	sorry, J-A-N-E-A. Sorry.
17	CHAIR MILLER: Okay. And your
18	Protest Hearing date is November 12, 2014 at
19	4:30 p.m. Do you have any questions? Okay.
20	If you have questions later really feel free
21	to call Ms. Raines or Ms. Jenkins. Okay. All
22	right? All right. Thank you very much.

									Page	12
1					(Where	upon	the	hearing	was	
2	cc	ncl	uded	at	10:06	a.m	.)			
3										
4										
5										
6										
7										
8										
9										
10										
11										
12										
13										
14										
15										
16										
17										
18										
19										
20										
21										
22										
	Ī									

<u> </u>	called 8:10	doing 10:2	10:13,14	kind 8:8
a.m 2:2 12:2	case 1:10 2:4,4 3:21	DONALD 1:17	good 3:16 9:11	Kitchen 1:7 2:5,11
ABC 4:5	6:10,11 10:7		govern 8:8	know 6:14 7:8 8:3
ABRA 7:17	cause 9:11	E	group 1:6,20 3:12	10:1,2,4,6,8,13,14
add 6:21	certify 6:15	E 2:1,1	10:9	10:15
addressed 6:8	CHAIR 2:3,12,15	E-L-W 3:14		
adhere 9:16	2:20 3:1,4,7,13,16	E-R-L-I-N-G 3:18	H	L
admitted 9:10	3:19 4:11,16,22	efficient 9:16	half 5:19	laid 6:13
advance 9:3	5:3,17,21 6:4,19	Elwyn 1:20 3:14	happen 10:13	late 7:18
ALBERTI 1:17	7:3,13,22 9:21	ended 7:11	hearing 1:7,13 2:4	lead 10:15
6:17,20 11:4,6,10	10:4,11,17 11:2,5	evidence 9:10,20	4:12 5:13 8:2,5,9	legal 5:6
11:13,15	11:8,17	exhibit 8:20 9:5	8:16 9:3,6,16 11:8	license 1:9 2:7 4:3,9
Alcoholic 1:2,13,13	Chairperson 1:14	exhibits 8:21 9:1,9	11:18 12:1	4:14 5:1,16
ANC 1:19 2:6,19	1:16	9:13	HECTOR 1:18	licensee 4:18
2:19 3:2 10:9,14	Cham 1:6 2:10,10		helped 6:22	living 7:19
and/or 10:15	2:14,14 5:16,18	F	Hi 3:9	located 2:6
answer 6:22	check 6:13	F-E-R-R-I-S 3:15	Howsoon 2:10,14	look 8:10
Anyway 9:14	clear 9:18	fail 9:8		looks 3:20 8:6
applicant 2:17 4:8	COLUMBIA 1:1	feel 7:4 11:20	I	Lounge 1:7 2:5,11
applicant's 4:3	combine 9:22	Ferris 1:20 3:14,14	I-S-A-S-I 3:10	
application 4:8,18	combining 10:5	file 5:10,11 6:4,8	identify 2:8 8:21	<u> </u>
7:11 9:7	come 10:13	10:8,9,10	immediately 4:4	mail 8:7
asks 8:11	Commissioner 2:19	filed 4:18 6:5 7:15	important 8:7 9:14	Martha 6:21
associated 4:15	complete 9:4	filing 6:1,7 9:11	Information 8:9	MATTER 1:5
attention 3:22	concluded 12:2	fill 8:11 9:19	9:5	matters 7:1
attorney 10:20	constant 7:20	final 4:5	Isasi 1:20 3:9,9	mean 5:5
August 7:19	contact 7:2	find 9:10,12	4:14 5:22 7:7,14	mediation 7:9
aware 4:19	continual 7:16	findings 7:16	10:7,16,22 11:7	meet 7:8
	Control 1:2,13,13	fine 4:10 10:6	issue 8:19	MEETING 1:3
B	coordinate 10:12	focus 8:18	issued 4:6	Member 1:17,17,18
back 7:10	copies 9:1	focused 9:15	issues 3:21 8:15,16	6:17,20 11:4,6,10
basically 8:4	correct 2:16 5:2	follow 6:2	8:18	11:13,15
began 7:10	counsel 6:21 9:1	form 8:9,20 9:5,5	J	met 1:13
begun 7:10	CT 1:8	9:20	J-A-N-E-A 11:15	Miller 1:15,16 2:3
behalf 3:15		forms 8:8 9:14	11:16	2:12,15,20 3:1,4,7
believe 5:7 7:14	D	10:12 found 7:18,21	J-N-E-A 11:13	3:13,16,19 4:11
Beverage 1:2,13,13	D 2:1	free 7:4 11:20	Janea 10:20 11:11	4:16,22 5:3,17,21 6:4,17,19 7:3,13
board 1:2,13 4:5,6	D.C 1:14	11ree 7.4 11.20	11:13	7:22 9:21 10:4,11
4:19 6:8 7:8,12	date 9:6 11:9,18	G	January 7:10	10:17 11:2,5,8,17
8:17 9:2	day 7:20,20	$\overline{\mathbf{G}}$ 2:1	Jenkins 6:21 10:19	motion 4:2 5:7,11
bring 3:22	days 9:2,6	general 6:7,21	11:21	6:4,5,8
BROOKS 1:17	deadlines 9:4	getting 9:13	Jilani 1:19 2:18,18	motions 6:7
Building 1:14	decision 4:6	give 2:21	2:22,22 3:1,3,6	
	designated 3:5,11	go 8:1	9:18 10:3	N
	dismissal 4:7	going 8:3,12	Joan 1:21 3:17	N 2:1
C2:1	dismissed 7:12 9:8	gonna 5:12 9:22		N.W 1:14
call 7:4 10:19 11:21	DISTRICT 1:1		K	
	<u> </u>	l	I	l

name 2:13,21 3:10	PRESENT 1:16,19	residents 4:3 7:19	suggest 7:2	year 5:19
11:1	presiding 1:15	8:14 10:9	sure 8:7	Yep 3:8
names 8:13	procedural 4:2	respect 9:9	suspended 4:4	
narrowed 8:17	procedure 6:2	respond 5:5,12		Z
need 5:11 8:11,12	procedures 6:6	6:12	T	Zahra 1:19 2:18,22
needs 9:19	protest 1:7,20 2:4	response 5:14	t/a 1:7	3:1
neighbors 8:13	3:11 4:12,15 8:5,5	Restaurant 1:6	take 10:14	
never 6:5	8:9,19 9:5,7 11:18	Retailer 1:8	Taskforce 7:17	0
new 1:7 2:5,10 5:20	protesting 9:19	revoked 4:4	technically 4:10	09:56 2:2
NICK 1:17	provide 8:22	right 2:16,17 3:7,19	tending 5:9	
noise 7:17,20	put 5:14	4:13 5:4,7,21 7:3	terms 6:1	1
November 11:18		7:13 8:2 10:11	Thank 7:3 11:5,7	14:7,9
NW 1:8 2:6	Q	11:22,22	11:14,22	10:06 12:2
	question 6:1	RODRIGUEZ 1:18	think 11:2	12 2:19 11:18
0	questions 7:1 10:19	Room 1:13	thinking 8:18	1336 1:8 2:6
O 2:1	11:19,20	rules 9:17	time 8:15 9:11,14	14-PRO-00055
office 10:21	quick 6:1	Ruthanne 1:14,16	timeframe 6:12	1:10 2:5
okay 2:3,7,15,20			Town 1:7 2:5,10	14th 1:14
3:1,7,13,16,19	R	S		17 1:12
4:11,16,20,22 5:3	R 2:1	S 2:1	U	19 4:19
5:3,17,21 6:5 7:5	R-A-I-N-E 11:3	S-T 3:17	U 1:8 2:6	1B 1:19 2:6,19,19
7:5,22 8:2 10:3,16	R-A-I-N-E-S 11:4	SDCA 1:20,21 3:15	Uh-huh 11:6	3:2
10:18 11:17,19,21	Raines 10:20 11:2	3:18 10:8	understand 4:17	2
online 7:5	11:21	second 4:18	unsuccessful 7:9	2000 1:14
operating 4:9 5:18	rates 7:5	separate 10:18	T 7	
opportunity 6:12	ready 2:7	SEPTEMBER	V	2014 1:12 4:6,7
opposing 6:16 9:1	really 5:4 8:1,2	1:12	valid 4:9 5:16	11:18
9:12	11:20	serve 6:9,10	violations 7:17,21	3
order 4:6,21	record 2:9 5:9,14	served 6:15	$\overline{\mathbf{w}}$	
ordering 4:7	8:22	service 6:14		4
original 7:11	records 4:17	serving 4:21	want 3:21 5:4,5,6,8	4:30 11:19
owner 2:16	Reeves 1:14	settle 8:6	5:10,14 8:17,20	
	reflect 10:12	seven 9:2,6	8:21,22	5
P	regulations 6:6,13	show 4:17	wanted 7:7	
P 2:1	6:14	sign 2:8	Washington 1:14	6
p.m 11:19	related 4:12,13	sir 2:13 5:15	watch 8:7 9:3 we're 5:11 8:2 10:4	7
parameters 8:4,8	6:10 8:19	sorry 2:12 11:16,16		
Pardon 11:10	renewal 1:9 4:13	specific 8:13	William 1:20 3:9	8
particular 6:2	4:18 7:11,15	spell 11:1	willing 6:22 witnesses 8:12 10:5	
parties 3:20 6:9,11	renewed 5:2	spelled 3:10		9
9:2,16	Rep 1:20	status 1:8 2:4 5:6	10:18	93095 1:9 2:7
party 6:16 9:12,19	Replacard 1:9	5:13	writing 5:11	
10:1	representative 3:5	Sterling 1:21 3:17	<u> X</u>	
PIF 8:10 9:8,20	3:11	3:17 4:1,21 5:1		
point 8:3	representing 2:19	11:11,14	Y	
possible 8:19	request 4:3	Street 1:8,14 2:6	Y-N 3:15	
prejudiced 9:13	required 9:4	submit 9:8	Yeah 6:19 9:17	